

<b>JEREMIAH MYERS AND</b>	)	
<b>CLARISSA MYERS</b>	)	
	)	
<b>Plaintiffs</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 4:18-CV-00039-TWP-SKL</b>
	)	
<b>A.J. CUNNINGHAM; CHARLIE</b>	)	
<b>WILDER, Individually and as</b>	)	
<b>Police Chief for Tracy City,</b>	)	Phillips/Lee
<b>Tennessee; and TRACY CITY,</b>	)	<b>JURY DEMAND</b>
<b>TENNESSEE</b>	)	
	)	
<b>Defendants</b>	)	

Comes now the parties to this cause of action and jointly move this Honorable Court to alter the order of June 24, 2020 (Doc. 114) to allow this deposition to be conducted in person under the conditions stated below.

After consultation by the attorneys and with Ms. Tina Prater, the parties would propose that this deposition occur on June 30, 2020 at 10:00am at Tracy Imaging which is located at 205 Bridgewater Road, Knoxville, Tennessee. Tracy Imaging is a videography company that videos depositions and has large conference rooms with zoom video-conferencing support. The parties propose that this deposition be conducted as follows:

1. The only persons present will be the witness, the court reporter, the videographer, Bryan Moseley for the Plaintiffs and W. Gerald Tidwell for the Defendants. The parties and other attorneys in the case will be able to view

the deposition on zoom. Since Mr. Pilkington represents Tracy City, he will conduct any questioning via zoom.

2. The persons present in person will practice social distancing and wear masks.

Both Mr. Pilkington and Mr. Tidwell spoke with Tina Prater on June 3, 2020, and she is agreeable with this proposal. She advised Mr. Tidwell that her husband's phone is a smartphone, but he would have to leave for work at approximately 1:30 P.M. on the day of the deposition. This would conclude the deposition at that time as her own phone will not support zoom. Mr. Tidwell advised Ms. Prater that the court may want to include her in a telephonic hearing on this matter and she acknowledged that she understands this and will participate.

The attorneys consulted and were concerned about technology issues such as disconnections during the deposition, an event Mr. Moseley recently experienced during a zoom deposition, and the difficulty of handling exhibits during this deposition; there are expected to be a number of exhibits used. Counsel for Cunningham and Wilder has identified eighteen (18) exhibits used in prior depositions likely to be used in this case and counsel expects to use several documents that have not been used previously. Mr. Moseley has indicated that he expects to use a number of exhibits also.

Counsel respectfully requests that this Court alter the previous order (Doc. 114) only as to it being in person as stated above and leave all other provisions of said order in place. This motion is made pursuant to Fed. R. Civ. P. 30(b)(3) & (4). The parties stand ready to conduct a telephonic hearing on this matter.

**Respectfully submitted,**

**TIDWELL & ASSOCIATES, P.C.**

/s/ W. Gerald Tidwell, Jr. \_\_\_\_\_

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### **CERTIFICATE OF SERVICE**

The parties in this case have been served through the following attorneys of record via the ECF system: Bryan Moseley ([bryan.moseley@moseleylawfirm.com](mailto:bryan.moseley@moseleylawfirm.com)), Heather Parker ([heatherparker@bfhelaw.com](mailto:heatherparker@bfhelaw.com)), Luke Evans ([lukeevans@bfhelaw.com](mailto:lukeevans@bfhelaw.com)), Dan Pilkington ([dpilkington@watsonroach.com](mailto:dpilkington@watsonroach.com)), Emily Taylor ([etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)), and Mark McGrady ([mark.mcgrady@farrar-bates.com](mailto:mark.mcgrady@farrar-bates.com)).

The witness, Tina Prater, has been served with this document by U.S. Mail, postage prepaid, at the following address.

Tina Prater  
162 Orchard Road  
Apartment #13  
Kingston, TN 37763

This 8th day of June, 2020,

/s/ W. Gerald Tidwell\_\_\_\_\_

W. Gerald Tidwell